

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 296

AN ACT

2 To repeal sections 161.092, 168.021, and
3 168.071, RSMo, and to enact in lieu thereof
4 three new sections relating to educational
5 standards.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
7 AS FOLLOWS:

8 Section A. Sections 161.092, 168.021, and 168.071, RSMo,
9 are repealed and three new sections enacted in lieu thereof, to
10 be known as sections 161.092, 168.021, and 168.071, to read as
11 follows:

12 161.092. The state board of education shall:

13 (1) Adopt rules governing its own proceedings and formulate
14 policies for the guidance of the commissioner of education and
15 the department of elementary and secondary education;

16 (2) Carry out the educational policies of the state
17 relating to public schools that are provided by law and supervise
18 instruction in the public schools;

1 (3) Direct the investment of all moneys received by the
2 state to be applied to the capital of any permanent fund
3 established for the support of public education within the
4 jurisdiction of the department of elementary and secondary
5 education and see that the funds are applied to the branches of
6 educational interest of the state that by grant, gift, devise or
7 law they were originally intended, and if necessary institute
8 suit for and collect the funds and return them to their
9 legitimate channels;

10 (4) Cause to be assembled information which will reflect
11 continuously the condition and management of the public schools
12 of the state;

13 (5) Require of county clerks or treasurers, boards of
14 education or other school officers, recorders and treasurers of
15 cities, towns and villages, copies of all records required to be
16 made by them and all other information in relation to the funds
17 and condition of schools and the management thereof that is
18 deemed necessary;

19 (6) Provide blanks suitable for use by officials in
20 reporting the information required by the board;

21 (7) When conditions demand, cause the laws relating to
22 schools to be published in a separate volume, with pertinent
23 notes and comments, for the guidance of those charged with the
24 execution of the laws;

25 (8) Grant, without fee except as provided in section

1 168.021, RSMo, certificates of qualification and licenses to
2 teach in any of the public schools of the state, establish
3 requirements therefor, formulate regulations governing the
4 issuance thereof, [including, upon an appropriate background
5 check, provisional certification to a person who holds a valid
6 teaching certificate from another state and has five years of
7 teaching experience in the same school district in the curriculum
8 area and approximate grade level in another state, providing for
9 full certification upon the satisfactory completion of five years
10 of teaching in Missouri public schools,] and cause the
11 certificates to be revoked for the reasons and in the manner
12 provided in section 168.071, RSMo;

13 (9) Classify the public schools of the state, subject to
14 limitations provided by law, establish requirements for the
15 schools of each class, and formulate rules governing the
16 inspection and accreditation of schools preparatory to
17 classification, with such requirements taking effect not less
18 than two years from the date of adoption of the proposed rule by
19 the state board of education, provided that this condition shall
20 not apply to any requirement for which a timeline for adoption is
21 mandated in either federal or state law;

22 (10) Make an annual report on or before the first Wednesday
23 after the first day of January to the general assembly or, when
24 it is not in session, to the governor for publication and
25 transmission to the general assembly. The report shall be for

1 the last preceding school year, and shall include:

2 (a) A statement of the number of public schools in the
3 state, the number of pupils attending the schools, their sex, and
4 the branches taught;

5 (b) A statement of the number of teachers employed, their
6 sex, their professional training, and their average salary;

7 (c) A statement of the receipts and disbursements of public
8 school funds of every description, their sources, and the
9 purposes for which they were disbursed;

10 (d) Suggestions for the improvement of public schools; and

11 (e) Any other information relative to the educational
12 interests of the state that the law requires or the board deems
13 important;

14 (11) Make an annual report to the general assembly and the
15 governor concerning coordination with other agencies and
16 departments of government that support family literacy programs
17 and other services which influence educational attainment of
18 children of all ages;

19 (12) Require from the chief officer of each division of the
20 department of elementary and secondary education, on or before
21 the thirty-first day of August of each year, reports containing
22 information the board deems important and desires for
23 publication;

24 (13) Cause fifty copies of its annual report to be reserved
25 for the use of each division of the state department of

1 elementary and secondary education, and ten copies for
2 preservation in the state library;

3 (14) Have other powers and duties prescribed by law.

4 168.021. 1. Certificates of license to teach in the public
5 schools of the state shall be granted as follows:

6 (1) By the state board, under rules and regulations
7 prescribed by it,

8 (a) Upon the basis of college credit;

9 (b) Upon the basis of examination;

10 (2) By the state board, under rules and regulations
11 prescribed by the state board with advice from the advisory
12 council established by section 168.015 to any individual who
13 presents to the state board a valid [doctor of philosophy]
14 doctoral degree from an accredited institution of higher
15 education accredited by a regional accrediting association such
16 as North Central Association. Such certificate shall be limited
17 to the major area of postgraduate study of the holder, shall be
18 issued only after successful completion of the examination
19 required for graduation pursuant to [section 168.033 if
20 appropriate] rules adopted by the state board of education, and
21 shall be restricted to those certificates established pursuant to
22 [subdivisions (1) and (2)] subdivision (1) of subsection [4] 3 of
23 this section; or

24 (3) By the state board, which shall issue the professional
25 certificate classification in both the general and specialized

1 areas most closely aligned with the current areas of
2 certification approved by the state board, commensurate with the
3 years of teaching experience of the applicant, and based upon the
4 following criteria:

5 (a) Recommendation of a state-approved baccalaureate-level
6 teacher preparation program;

7 (b) Successful attainment of the Missouri qualifying score
8 on the exit assessment for teachers or administrators designated
9 by the state board of education. Applicants who have not
10 successfully achieved a qualifying score on the designated
11 examinations will be issued a two-year nonrenewable provisional
12 certificate; and

13 (c) Upon completion of a background check and possession of
14 a valid teaching certificate in the state from which the
15 applicant's teacher preparation program was completed.

16 2. All valid teaching certificates issued pursuant to law
17 or state board policies and regulations prior to September 1,
18 1988, shall be exempt from the professional development
19 requirements of this section and shall continue in effect until
20 they expire, are revoked or suspended, as provided by law. When
21 such certificates are required to be renewed, the state board or
22 its designee shall grant to each holder of such a certificate the
23 certificate most nearly equivalent to the one so held. Anyone
24 who holds, as of August 28, 2003, a valid PC-I, PC-II, or
25 continuous professional certificate shall, upon expiration of

1 their current certificate, be issued the appropriate level of
2 certificate based upon the classification system established
3 pursuant to subsection 3 of this section.

4 3. [Any teacher holding a third class county certificate in
5 the state during the 1972-73 school year shall upon his written
6 request be given an examination by a person designated by the
7 state commissioner of education to determine his eligibility to
8 be granted a certificate of license to teach. The examination
9 shall be comparable to those given by county superintendents to
10 eligible applicants prior to July 1, 1974. Upon successful
11 completion of the examination the applicant shall be issued a
12 certificate by the state board of education entitling the holder
13 to teach in the public schools of the state for a period of three
14 years. A request for such examination must be presented to the
15 commissioner of education on or before March first of the year in
16 which the examination is to be administered. The commissioner of
17 education shall cause the examination to be administered and the
18 certificate issued to those successfully completing it prior to
19 April first of the year in which the application for the
20 examination was received.

21 4. After September 1, 1988,] Certificates of license to
22 teach in the public schools of the state shall be based upon
23 minimum requirements prescribed by the state board of education
24 [which]. The state board shall provide for the following levels
25 of professional certification [including, but not limited to,]:

1 an initial professional certificate and [culminating with] a
2 career continuous professional certificate[;].

3 (1) The initial professional certificate shall be issued
4 upon completion of requirements established by the state board of
5 education and shall be valid based upon verification of actual
6 teaching within a specified time period established by the state
7 board of education[;]. The state board shall require holders of
8 the four year initial professional certificate to:

9 (a) Participate in a mentoring program approved and
10 provided by the district for a minimum of two years;

11 (b) Complete thirty contact hours of professional
12 development, which may include hours spent in class in an
13 appropriate college curriculum; and

14 (c) Participate in a beginning teacher assistance program;

15 (2) [One or more levels of renewable professional
16 certificates shall be issued upon verification of completion of
17 criteria established by the state board of education;

18 (3)] (a) The career continuous professional certificate
19 shall be issued upon verification of completion of [criteria,
20 which shall not exceed a master's degree or its equivalent and
21 ten years' employment in an educational position, established by
22 the state board of education] four years of teaching under the
23 initial professional certificate and upon verification of the
24 completion of the requirements articulated in paragraphs (a),
25 (b), and (c) of subdivision (1) of this subsection.

1 (b) The career continuous professional certificate shall be
2 continuous based upon verification of actual employment in an
3 educational position as provided for in state board guidelines[.]
4 and completion of fifteen contact hours of professional
5 development per year which may include hours spent in class in an
6 appropriate college curriculum. Should the possessor of a valid
7 career continuous professional certificate fail, in any given
8 year, to meet the fifteen-hour professional development
9 requirement, the possessor may, within two years, make up the
10 missing hours. In order to make up for missing hours, the
11 possessor must first complete the fifteen-hour requirement for
12 the current year and then may count hours in excess of the
13 current year requirement as make-up hours. Should the possessor
14 fail to make up the missing hours within two years, the
15 certificate shall become inactive. In order to reactivate the
16 certificate, the possessor must complete twenty-four contact
17 hours of professional development which may include hours spent
18 in the classroom in an appropriate college curriculum within the
19 six months prior to or after reactivating his or her certificate.
20 The requirements of this paragraph must be monitored and verified
21 by the local school district which employs the holder of the
22 career continuous professional certificate.

23 (c) A holder of a career continuous professional
24 certificate shall be exempt from the professional development
25 contact hour requirements of paragraph (b) of this subdivision if

1 such teacher has a local professional development plan in place
2 within such teacher's school district and meets two of the three
3 following criteria:

4 a. Has ten years of teaching experience as defined by the
5 state board of education;

6 b. Possesses a master's degree; or

7 c. Obtains a rigorous national certification as approved by
8 the state board of education.

9 [5.] 4. Policies and procedures shall be established by
10 which a teacher who was not retained due to a reduction in force
11 may retain the current level of certification. There shall also
12 be established policies and procedures [for] allowing a teacher
13 who has not been employed in an educational position for three
14 years or more [for reasons other than reduction in force] to
15 reactivate his or her last level of certification by completing
16 twenty-four contact hours of professional development which may
17 include hours spent in the classroom in an appropriate college
18 curriculum within the six months prior to or after reactivating
19 his or her certificate.

20 [6.] 5. The state board shall, upon an appropriate
21 background check, issue a professional certificate classification
22 in the areas most closely aligned with an applicant's current
23 areas of certification, commensurate with the years of teaching
24 experience of the applicant, to any person who is hired to teach
25 in a public school in this state and who possesses a valid

1 teaching certificate from another state, provided that the
2 certificate holder shall annually complete the state board's
3 requirements for such level of certification, and shall establish
4 policies by which residents of states other than the state of
5 Missouri may be assessed a fee for a certificate license to teach
6 in the public schools of Missouri. Such fee shall be in an
7 amount sufficient to recover any or all costs associated with the
8 issuing of a certificate of license to teach.

9 6. The state board may assess to holders of an initial
10 professional certificate a fee, to be deposited into the
11 excellence in education revolving fund established pursuant to
12 section 160.268, RSMo, for the issuance of the career continuous
13 professional certificate. However, such fee shall not exceed the
14 combined costs of issuance and any criminal background check
15 required as a condition of issuance.

16 7. Any member of the public school retirement system of
17 Missouri who entered covered employment with ten or more years of
18 educational experience in another state or states and held a
19 certificate issued by another state and subsequently worked in a
20 school district covered by the public school retirement system of
21 Missouri for ten or more years who later became certificated in
22 Missouri shall have that certificate dated back to his or her
23 original date of employment in a Missouri public school.

24 168.071. 1. The state board of education may refuse to
25 issue or renew a certificate, or may, upon hearing, discipline

1 the holder of a certificate of license to teach for the following
2 causes:

3 (1) A certificate holder or applicant for a certificate has
4 pleaded to or been found guilty of a felony or crime involving
5 moral turpitude under the laws of this state, any other state, of
6 the United States, or any other country, whether or not sentence
7 is imposed;

8 (2) The certification was obtained through use of fraud,
9 deception, misrepresentation or bribery;

10 (3) There is evidence of incompetence, immorality, or
11 neglect of duty by the certificate holder;

12 (4) A certificate holder has been subject to disciplinary
13 action relating to certification issued by another state,
14 territory, federal agency, or country upon grounds for which
15 discipline is authorized in this section; or

16 (5) If charges are filed by the local board of education,
17 based upon the annulling of a written contract with the local
18 board of education, for reasons other than election to the
19 general assembly, without the consent of the majority of the
20 members of the board that is a party to the contract.

21 2. A public school district may file charges seeking the
22 discipline of a holder of a certificate of license to teach based
23 upon any cause or combination of causes outlined in subsection 1
24 of this section, including annulment of a written contract.
25 Charges shall be in writing, specify the basis for the charges,

1 and be signed by the chief administrative officer of the
2 district, or by the president of the board of education as
3 authorized by a majority of the board of education. The board of
4 education may also petition the office of the attorney general to
5 file charges on behalf of the school district for any cause other
6 than annulment of contract, with acceptance of the petition at
7 the discretion of the attorney general.

8 3. The department of elementary and secondary education may
9 file charges seeking the discipline of a holder of a certificate
10 of license to teach based upon any cause or combination of causes
11 outlined in subsection 1 of this section, other than annulment of
12 contract. Charges shall be in writing, specify the basis for the
13 charges, and be signed by legal counsel representing the
14 department of elementary and secondary education.

15 4. If the underlying conduct or actions which are the basis
16 for charges filed pursuant to this section are also the subject
17 of a pending criminal charge against the person holding such
18 certificate, the certificate holder may request, in writing, a
19 delayed hearing on advice of counsel under the fifth amendment of
20 the Constitution of the United States. Based upon such a
21 request, no hearing shall be held until after a trial has been
22 completed on this criminal charge.

23 5. The certificate holder shall be given not less than
24 thirty days' notice of any hearing held pursuant to this section.

25 6. Other provisions of this section notwithstanding, the

1 certificate of license to teach shall be revoked or, in the case
2 of an applicant, a certificate shall not be issued, if the
3 certificate holder or applicant has pleaded guilty to or been
4 found guilty of any of the following offenses established
5 pursuant to Missouri law or offenses of a similar nature
6 established under the laws of any other state or of the United
7 States, or any other country, whether or not the sentence is
8 imposed:

9 (1) Any dangerous felony as defined in section 556.061,
10 RSMo, or murder in the first degree;

11 (2) Any of the following sexual offenses: rape; statutory
12 rape in the first degree; statutory rape in the second degree;
13 sexual assault; forcible sodomy; statutory sodomy in the first
14 degree; statutory sodomy in the second degree; child molestation
15 in the first degree; child molestation in the second degree;
16 deviate sexual assault; sexual misconduct involving a child;
17 sexual misconduct in the first degree; [or] sexual abuse;
18 enticement of a child; or attempting to entice a child;

19 (3) Any of the following offenses against the family and
20 related offenses: incest; abandonment of child in the first
21 degree; abandonment of child in the second degree; endangering
22 the welfare of a child in the first degree; abuse of a child;
23 child used in a sexual performance; promoting sexual performance
24 by a child; or trafficking in children; and

25 (4) Any of the following offenses involving child

1 pornography and related offenses: promoting obscenity in the
2 first degree; promoting obscenity in the second degree when the
3 penalty is enhanced to a class D felony; promoting child
4 pornography in the first degree; promoting child pornography in
5 the second degree; possession of child pornography in the first
6 degree; possession of child pornography in the second degree;
7 furnishing child pornography to a minor; furnishing pornographic
8 materials to minors; or coercing acceptance of obscene material.

9 7. When a certificate holder pleads guilty or is found
10 guilty of any offense that would authorize the state board of
11 education to seek discipline against that holder's certificate of
12 license to teach, the local board of education or the department
13 of elementary and secondary education shall immediately provide
14 written notice to the state board of education and the attorney
15 general regarding the plea of guilty or finding of guilty.

16 [7.] 8. The certificate holder whose certificate was
17 revoked pursuant to subsection 6 of this section may appeal such
18 revocation to the state board of education. Notice of this
19 appeal must be received by the commissioner of education within
20 ninety days of notice of revocation pursuant to this subsection.
21 Failure of the certificate holder to notify the commissioner of
22 the intent to appeal waives all rights to appeal the revocation.
23 Upon notice of the certificate holder's intent to appeal, an
24 appeal hearing shall be held by a hearing officer designated by
25 the commissioner of education, with the final decision made by

1 the state board of education, based upon the record of that
2 hearing. The certificate holder shall be given not less than
3 thirty days' notice of the hearing, and an opportunity to be
4 heard by the hearing officer, together with witnesses.

5 [8.] 9. In the case of any certificate holder who has
6 surrendered or failed to renew his or her certificate of license
7 to teach, the state board of education may refuse to issue or
8 renew, or may suspend or revoke, such certificate for any of the
9 reasons contained in this section.

10 [9.] 10. In those cases where the charges filed pursuant
11 to this section are based upon an allegation of misconduct
12 involving a minor child, the hearing officer may accept into the
13 record the sworn testimony of the minor child relating to the
14 misconduct received in any court or administrative hearing.

15 [10.] 11. Hearings, appeals or other matters involving
16 certificate holders, licensees or applicants pursuant to this
17 section may be informally resolved by consent agreement or agreed
18 settlement or voluntary surrender of the certificate of license
19 pursuant to the rules promulgated by the state board of
20 education.

21 [11.] 12. The final decision of the state board of
22 education is subject to judicial review pursuant to sections
23 536.100 to 536.140, RSMo.

24 [12.] 13. A certificate of license to teach to an
25 individual who has been convicted of a felony or crime involving

1 moral turpitude, whether or not sentence is imposed, shall be
2 issued only upon motion of the state board of education adopted
3 by a unanimous affirmative vote of those members present and
4 voting.